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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____	x
	:
GREGORY DAVID, on behalf of himself and	:
classes of those similarly situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
WELLS FARGO FINANCIAL, INC.; WELLS	:
FARGO FINANCIAL NEW JERSEY, INC.;	:
WELLS FARGO FINANCIAL FLORIDA,	:
INC., d/b/a Wells Fargo Financial and Wells	:
Fargo Financial Acceptance; and DOES 1-50,	:
	:
Defendants.	:
_____	x

Honorable Faith S. Hochberg, U.S.D.J.

Civil Action No. 08 CV 1891 (FSH) (MAS)

**ORDER TO SEAL CONFIDENTIAL
SETTLEMENT AGREEMENT AND
RELEASE**

THIS MATTER, being opened to the Court by Winston & Strawn LLP, attorneys for Defendants Wells Fargo Financial, Inc., Wells Fargo Financial New Jersey, Inc., and Wells Fargo Financial Florida, Inc., and Schall & Barasch, LLC, attorneys for Plaintiff Gregory David, by way of the parties' Joint Motion to Seal Confidential Settlement Agreement and Release; and the Court being advised that there is no opposition to this motion; and the Court having considered the submission, proposed sealed information, L. Civ. R. 5.3, and the governing case law; and the Court having considered the factors contained in L. Civ. R. 5.3(c)(2), the Court

makes the following Findings of Fact and Conclusions of Law:

- a. The Confidential Settlement Agreement and Release contains confidential financial information of Plaintiff and Defendants;
- b. The Confidential Settlement Agreement and Release that Plaintiff requests to seal contains confidential financial information regarding Plaintiff that is not publicly known that Plaintiff maintains as strictly confidential;
- c. The Confidential Settlement Agreement and Release that Defendants request to seal contains confidential financial information that is not publicly known that Defendants maintain as strictly confidential;
- d. Plaintiff and Defendants have legitimate private interests in protecting the confidentiality of their financial information;
- e. Plaintiff asserts that public disclosure of such information would cause Plaintiff significant harm because it would provide the public insight into Plaintiff's personal financial affairs;
- f. Defendants assert that public disclosure of such information would cause Defendants significant harm because the confidential terms of the agreement would be used by other litigants for improper and abusive purposes;
- g. Filing the Confidential Settlement Agreement and Release under seal is the least restrictive alternative because redaction of the document will not suffice, as the entirety of the settlement agreement contains references to the underlying facts of this dispute and the events and negotiations that occurred in helping the parties to reach a settlement;


- h. The foregoing findings are supported by relevant case law holding that “[p]ublic access to materials filed with the court may also be restricted to keep private agreements confidential.” *Vista India, Inc. v. Raaga, LLC*, 2008 WL 834399, *3 (D.N.J. Mar. 27, 2008). The Court has also considered the fact that the parties were required to submit the settlement agreement for court approval pursuant to 29 U.S.C. § 216(c) and the relevant case law. *See Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1352 (11th Cir. 1982).

WHEREFORE, the Court having found that there are legitimate public and private interests that warrant the relief sought; and for good cause shown,

IT IS on this 20th day of January, 2010

ORDERED as follows:

1. The parties’ Joint Motion to Seal Confidential Settlement Agreement and Release be and is hereby GRANTED.
2. The Confidential Settlement Agreement and Release be and is hereby sealed.


Honorable Michael A. Shipp, U.S.M.J.